

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA,

v.

Case No. 8:20-cr-392-CEH-AEP

JONATHAN PLATTE

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ORDER

Before the Court is Defendant Jonathan Platte's ("Defendant") Second Motion to Set Conditions of Release (Doc. 36). The United States Probation Office has alleged that Defendant violated the conditions of his supervised release on at least fifteen occasions to include allegations of Aggerated Battery with a Deadly Weapon and repeated use of methamphetamine and other controlled substances. At his detention hearing, the Court found that Defendant failed to establish by clear and convincing evidence that he is unlikely to flee or does not pose a danger to the safety of any other person or the community. *See* 18 U.S.C. § 3143(a)(1) and Fed. R. Crim. P. 32.1(a)(6). The Court specifically noted that Defendant poses a danger to the community and the three people who were inside a trailer home when he allegedly rammed his truck into it multiple times. He also poses a danger to law enforcement given his alleged statement that he intended to commit "suicide by cop."

Defendant now advises the Court that the State Attorney has declined to prosecute the Aggregated Battery charge. While the State Attorney enjoys prosecutorial discretion, his decision is not binding on this Court. According to the police report, an eyewitness

“observed the black GMC [truck driven by Defendant] crash into the mobile home twice” (Doc. 16-1). When detectives arrived on the scene, they observed that “[b]hind the black truck were two sperate tire tracks which were indicative of the vehicle accelerating before crashing into the mobile home” (*Id.*). There were three victims inside the mobile home at the time of the incident, including one victim with whom Defendant was in a domestic relationship. The United States Probation Office reported that Defendant has a history of violence, including domestic violence and aggravated assault (Doc. 16).

Notwithstanding the State Attorney’s decision, the Court reaffirms its finding that Defendant failed to establish by clear and convincing evidence that he is unlikely pose a danger to the safety of any other person or the community. Accordingly, Defendant’s Second Motion to Set Conditions of Release (Doc. 36) is **DENIED**.

ORDERED in Tampa, Florida, on August 16, 2023.



SEAN P. FLYNN
UNITED STATES MAGISTRATE JUDGE